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Mai-lan Tomsen

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EXAMINER

VU, NGOC K

ART UNIT

PAPER NUMBER

2623

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/858,201

Applicant(s)

TOMSEN ET AL.

Examiner

Ngoc K. Vu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 36-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 36-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

**Remarks**

1. In view of panel decision from pre-appeal brief review mailed 6/15/06, prosecution is reopened. A new ground of rejection is set forth below.

**Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 18, 37 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Lash et al. (U.S. 20020108128 A1).

Regarding claim 18, Lash teaches a method for blocking access to selected enhanced content during a television broadcast (see abstract), the method comprising: intercepting a first trigger (video transport data unit in video transport data stream) at a cable operator facility (see figure 2, 0008, 0014), the first trigger being embedded in a television broadcast (video signal) (see figure 2); removing the first trigger from the television broadcast (via decoder 2020); sending the television signal (video signal) to an interactive television system of a customer (receiver 2130) without replacing the first trigger with a second trigger (see 0014, 0040, 0047-0066, 0089 and figure 2).

Regarding claim 37, Lash teaches storing filtering criteria (within 2070) for determining whether a particular trigger should be blocked (i.e., trigger msnbc.com or weather.com – see 0059); and determining that the first trigger should be blocked based on the filtering criteria (see 0014, 0040, 0053-0066).

Regarding claim 39, Lash teaches that the filtering criteria include blocking all triggers of a particular type (i.e., triggers that do not contain "http://", ".com", "v:t" are blocked – 0066).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al. (US 20010037500 A1).

Regarding claim 40, Lash discloses that the meaningful video transport data unit may vary. For instance, video transport data unit could be a trigger, a packet, start/stop indicators, predetermined number of bits, etc (see 0026). Lash does not explicitly teach the type of trigger to block includes interactive commercials. Official Notice is taken that blocking advertisement is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lash by blocking type of trigger such as advertisement in order to effectively eliminate the unwanted program.

6. Claims 1-6, 8-14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al. (US 20010037500 A1) in view of Pearson et al. (US 20020162117 A1).

Regarding claim 1, Reynolds teaches a method for modifying enhanced programming for an interactive television system (viewer television system 70) (see figures 1-2), the method comprising: intercepting a first trigger (original meta data, i.e., 114) at a cable operator facility (100) (see 0028 and figure 2), the first trigger (114) being embedded in a television broadcast (110) (the original metadata 114 is received in conjunction with an incoming broadcast signal 110 at metadata substitution system 100 - see figure 2; 0026); replacing the first trigger with a

second trigger (local meta data, i.e., 142) (see 0025, 0026, 0028); and sending the second trigger to the interactive television system with the television broadcast (sending the modified signal 110' included the local meta data to the viewer television system 70 – see 0025, 0026 and figures 1-2).

Reynolds does not explicitly teach providing the second trigger according to pre-selected customer preferences. Pearson teaches selecting triggers to be inserted into the broadcast stream at cable head ends or video delivery facilities based on user's viewing preferences to provide the enhanced content to the targeted viewers (see 0008, 0010, 0072). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Reynolds by teaches selecting triggers to be inserted into the broadcast stream based on user's viewing preference as taught by Pearson in order to effectively provide the enhanced content to the targeted viewers.

Regarding claims 2 and 3, Reynolds teaches that the triggers provide a link to the location of enhanced content (see 0005).

Regarding claim 4, Reynolds teaches that every trigger contains URL that specifies the location of the enhanced content (see 0014).

Regarding claims 5-6, Reynolds teaches that the meta data substitution system can be used to replace the original meta data, i.e., the national automobile ad, with the local meta data, i.e., local automobile ad includes pricing and dealer locations (see 0027).

Regarding claim 8, Reynolds teaches providing the enhanced content via the local meta data particular to viewer's city, state, or region (see 0025).

Regarding claims 9 and 10, the combined teachings Reynolds and Pearson do not include that the triggers relate to enhanced content for religion/ethnicity. Official Notice is taken that it is well known that ethnic/religious demographics are characteristics that relate to the

population of geographic area. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined systems of Reynolds and Pearson by including the triggers relate to enhanced content for religion/ethnicity in order to effectively tailor the enhanced content to viewers in a particular geographic area.

Regarding claim 11, Reynolds teaches that the first trigger relates to content of a national interest (a national advertising campaign, e.g., an automobile ad) and the second trigger relates to content of a local interest (advertising information includes local pricing and dealer locations) (see 0027).

Regarding claim 12, Reynolds teaches that the second trigger contains directed advertising related to the first trigger (for instance, the original meta data may be generic information material that pertains to a national advertising campaign, e.g., an automobile ad. The meta data substitution system 100 can be used to replace the national automobile ad with advertising that is targeted to the particular metropolitan area. Information may be included at the local level includes local pricing and dealer locations – see 0027).

Regarding claim 13, Reynolds teaches the first trigger (the original meta data) is embedded into the television signal by broadcast network (50) (see 0025, 0026 and figures 1-2).

Regarding claim 14, Reynolds teaches substituting the original meta data with local meta data (see 0025, 0026). That is, the second trigger is identical to the first trigger since both triggers are meta data.

Regarding claim 19, Reynolds teaches a system for modifying enhanced programming for an interactive television system (viewer television system 70) (see figures 1-2), the system comprising: a trigger interception component (132) (see figure 2) configured to intercept a first trigger (original meta data, i.e., 114) at a cable operator facility (100) (see 0028 and figure 2), the first trigger (114) being embedded in a television broadcast (110) (the original metadata 114

is received in conjunction with an incoming broadcast signal 110 at metadata substitution system 100 - see figure 2; 0026); a trigger replacement component (134) (see figure 2) replacing the first trigger with a second trigger (local meta data, i.e., 142) if permitted (see 0025, 0026, 0028) and sending the second trigger to the interactive television system with the television broadcast (sending the modified signal 110' included the local meta data to the viewer television system 70 – see 0025, 0026 and figures 1-2).

Reynolds does not explicitly teach providing the second trigger according to pre-selected customer preferences. Pearson teaches selecting triggers to be inserted into the broadcast stream at cable head ends or video delivery facilities based on user's viewing preferences to provide the enhanced content to the targeted viewers (see 0008, 0010, 0072). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Reynolds by teaches selecting triggers to be inserted into the broadcast stream based on user's viewing preference as taught by Pearson in order to effectively provide the enhanced content to the targeted viewers.

7. Claims 7 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al. (US 20010037500 A1) in view of Pearson et al. (US 20020162117 A1) and further in view of Blackketter et al. (US 6,560,777 B2).

Regarding claim 7, the combined teachings of Reynolds and Pearson do not explicitly include the feature of the first trigger relates to enhanced content for a first language and the second trigger relates to enhanced content for a second language. However, Blackketter teaches providing a first trigger or URI related to enhanced content for a first language such as English and a second trigger or URI related to enhanced content for a second language such as Spanish or German (see col. 3, lines 19-25 and figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined

system of Reynolds and Pearson by including a first trigger or URI related to enhanced content for English language and a second trigger or URI related to enhanced content for Spanish or German language as taught by Blacketter in order to selectively provide the enhanced content in different languages to viewers.

Regarding claims 15-16, the combined teachings of Reynolds and Pearson do not explicitly include that the second trigger comprises at least a portion of the first trigger and wherein the portion is a URL. However, Blacketter teaches providing a second trigger, e.g., a URI for Spanish-language sport page 328 specified as

"http://www.broadcaster.com/programs/sports/spanish.html" or a URI for German-language sport page 326 specified as "http://www.broadcaster.com/programs/sports/german.html".

(Emphasis added). It is noted that a first trigger, e.g., URI for the main sport page 322 is

"http://www.broadcaster.com/programs/sports/". (See col. 3, lines 14-25 and figure 3).

Accordingly, the second trigger/URI comprises at least a portion of the first trigger. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Reynolds and Pearson by including second trigger or URI comprises at least a portion of first trigger/URI as taught by Blackett in order to provide an effective way for accessing to specific enhanced content.

Regarding claim 17, the combined teachings of Reynolds and Pearson do not explicitly include the feature of the second trigger further comprises supplemental enhanced content appended to the first trigger and wherein the second trigger is configured to provide a choice between enhanced content and supplemental enhanced content for display on the interactive television system. However, Blacketter teaches providing a sport page 322 with language options such as English, Spanish or German, wherein Spanish-language sport page 328 or German-language sport page 330 associated with URI (a second URI/trigger)



"http://www.broadcaster.com/programs/sports/spanish.html" or

"http://www.broadcaster.com/programs/sports/german.html", respectively. (Emphasis

added). It is noted that URI (a first URI/trigger) for the sport page 322 is

"http://www.broadcaster.com/programs/sports/". (See col. 3, lines 14-25 and figure 3).

Accordingly, the second URI/trigger comprises enhanced content (i.e., sport page for a particular language) appended to the first URI/trigger. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teachings of Reynolds and Pearson as taught by Blacketter in order to allow users to selectively view the enhanced content.

8. Claims 36 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lash et al. (U.S. 20020108128 A1) in view of Pearson et al. (US 20020162117 A1).

Regarding claims 36 and 41, Lash does not teach the intercepting and removing steps are performed based upon customer preferences. Lash does not explicitly teach providing the second trigger according to pre-selected customer preferences. Pearson teaches selecting triggers to be inserted into the broadcast stream at cable head ends or video delivery facilities based on user's viewing preferences to provide the enhanced content to the targeted viewers (see 0008, 0010, 0072). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Reynolds by teaches selecting triggers to be inserted into the broadcast stream based on user's viewing preference as taught by Pearson in order to effectively provide the enhanced content to the targeted viewers.

9. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lash et al. (U.S. 20020108128 A1) in view of Alao et al. (US 20020169885 A1).

Regarding claim 38, Lash does not teach blocking a trigger for a commercial that is foreign to a viewing area of the customer. However, Alao teaches filtering advertisement based

on user preferences and client profiles. For instance, a French cooking advertisement is provided to one viewer while an Indian cooking advertisement is provided to another viewer (see 0054). It is noted that user preferences and/or client profiles include geographical/demographical information or viewing area of the user information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lash by filtering advertisement based on user preferences and client profiles in order to provide the most suitable content to user.

10. Claims 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lash et al. (U.S. 20020108128 A1) in view of Pearson et al. (US 20020162117 A1).

Regarding claim 42, Lash teaches a method for modifying enhanced programming for an interactive television system (see abstract and figure 2), the method comprising: intercepting a first trigger (video transport data unit in video transport data stream) at a cable operator facility (see figure 2, 0008, 0014), the first trigger being embedded in a television broadcast (video signal) (see figure 2); replacing the first trigger with a second trigger within the television broadcast (i.e., replacing trigger "itv.weather.com" with trigger "etv.respondtv.com/c/bloomberg05/" - 0014, 0040, 0071). Lash does not explicitly teach the first trigger comprising a first link and creating the second trigger by appending a second link to the first link. However, Blackketter teaches providing a first trigger, i.e., <http://www.broadcaster.com/programs/sports/english.html> comprising a first link, i.e., ENG, and a second trigger, i.e., "<http://www.broadcaster.com/programs/sports/spanish.html>" comprising a second link, i.e., SPAN, appended to the first link (see 322 - figure 3; col. 3, lines 19-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lash by including the first trigger comprising a first link and

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creating the second trigger by appending a second link to the first link as taught by Blacketter to allow user selectively accessing to different content.

Regarding claim 43, Lash modified with Blacketter adding a mechanism to the second trigger for providing a customer with a choice between the first link and the second link (i.e., user can select sport page in English language or in Spanish language) (see 322 - figure 3).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ngoc K. Vu  
Primary Examiner  
Art Unit 2623

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